

CARL LEVIN
MICHIGAN

United States Senate

WASHINGTON, DC 20510-2202

February 18, 2011

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing concerning questions raised by the Marquette County Board of Commissioners regarding the upgrading of County Road 595 (CR 595) and the U.S. Environmental Protection Agency Clean Water Act Section 404 wetlands permit process. We understand that improvements made to CR 595 will create year-round public access to Northern Marquette County, providing additional recreational opportunities and economic benefits to the region. At the same time, we also respect the need to protect our wetland resources.

We ask that you address the following questions raised in the attached Marquette Board letter dated January 26, 2011. What is the timeline and length of the permit review process? Why is this public application for a new public road being considered as an extension of a private road application filed by a private entity, Rio Tinto? It is our understanding that Rio Tinto retracted their permit application in 2010.

Given the importance of this project to the region, we would appreciate your prompt attention to this matter.

Sincerely,



Debbie Stabenow



Carl Levin

Enclosure

cc: Mr. Charles Bergdahl, Chairperson, Marquette County Board of Commissioners



County of Marquette BOARD OF COMMISSIONERS

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Debbie Pellow
Mike Quayle

January 26, 2011

The Honorable Carl Levin
U.S. Senator
SR-259, Russell Senate Office Building
Building Washington, D.C. 20510

The Honorable Debbie Stabenow
U.S. Senator
702 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dan Benishek
U.S. Representative
2352 Rayburn House Office
Washington, D.C. 20515

Dear Senators Levin and Stabenow and Congressman Benishek:

Rio Tinto plans on mining ore from the Eagle Mine in 2013. The Marquette County Road Commission Board has determined there is a public need for a new road (County Road 595) to provide enhanced year-round vehicle access to the north central portion of Marquette County. Ely, Champion, Humboldt, Michigamme, Marquette, Powell, Republic, Richmond Townships, and the city of Marquette all support CR 595 as the route for the ore from the mine to a crushing facility in western Marquette County. (The letters of support are enclosed).

The new road will provide additional recreational opportunities to the public as well as provide a direct benefit to the timber, mining, and gravel industries. Compared to other routes, CR 595 will enhance highway public safety, emergency response, and emergency services. CR 595 will decrease truck traffic in the city of Marquette, in residential areas, and on the congested U.S. 41 corridor.

CR 595 will impact the environment, streams, wetlands, and wildlife. The Marquette County Road Commission has pledged to develop an environmental assessment (EA) and work closely with the Michigan Department of Natural Resources (MDNR) and the Environmental Protection Agency (EPA) to minimize and mitigate CR 595's impacts. The EPA has communicated regulatory concerns regarding the CR 595 route and has stated that the public body's application will be treated as the same application or an extension of a private application that was submitted last year by a private development group.

While believing the Upper Peninsula has sufficient wetlands (Marquette County is 28% wetlands) and wildlife habitat, the Marquette County Board of Commissioners understands that the Environmental Protection Agency is required to address legitimate environmental concerns. The Marquette County Road Commission has pledged to work with state agencies and the EPA to minimize and mitigate the environmental concerns. There are short-term and long-term financial considerations involved in the design, construction, and maintenance of this project. An objective, reasonable, and prompt review of the CR 595 design is needed from the EPA.

Please inquire on Marquette County's behalf on the length of the review process and why a public application for a new public road is being considered as an extension of a private road application that was filed by a private company.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Charles Bergdahl'.

Charles Bergdahl, *Chairperson*
Marquette County Board of Commissioners

cc: Governor Snyder
State Senator Casperson
State Representative Lindberg
Cities and Townships
Road Commission



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 10 2011

REPLY TO THE ATTENTION OF:

The Honorable Debbie Stabenow
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your letter of February 18, 2011 on behalf of the Marquette County Board of Commissioners, regarding the U.S. Environmental Protection Agency's Clean Water Act (CWA) Section 404 review of County Road 595 (CR 595).


CWA Section 404 allows states to issue permits for the discharge of dredged or fill material to waters of the United States. The State of Michigan assumed responsibility for this program in 1983. Under a memorandum of agreement between EPA and the State, EPA provides oversight of the program and reviews permits for projects such as CR 595.

When EPA receives a public notice, the Agency has 90 days to review and comment on the proposed project. If EPA declines to comment or does not object to the permit, the State can then make a permit decision. If EPA objects to the permit, the State has 90 days to address EPA's concerns so that the Agency can officially remove the objection.

At this time, EPA has not received a Michigan public notice for CR 595. If the Marquette Board applies for a Section 404 permit for CR 595, EPA would consider this application to be a new application rather than an extension of the Rio Tinto application referenced in your letter.

Again, thank you for your letter. If you have further questions, please call me or your staff may contact Ronna Beckmann and Denise Gawlinski, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,


Susan Hedman
Regional Administrator

